

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 23, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Malepeai and Werk, absent and formally excused by the Chair; and Senators Cameron, McGee and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Janae Godfrey, Page.

The Senate advanced to the Third Order of Business.

### **Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 22, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

### **Reading of Communications**

February 22, 2012

The Honorable Brent Hill  
President Pro Tempore  
Idaho State Senate  
State Capitol

Dear Brent,

Please accept this letter as my formal resignation from the office of State Senator for the 10th Legislative District in the State of Idaho, effective February 22, 2012.

It has been my pleasure and honor to serve the citizens of District 10 in the Idaho State Senate for the past eight years. I appreciate and am grateful for the opportunity and treasure the association with you and our colleagues.

Sincerely,  
/s/ John McGee

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

#### **SCR 121**

#### **BY STATE AFFAIRS COMMITTEE**

#### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO FISH AND GAME COMMISSION RELATING TO RULES GOVERNING LICENSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho Fish and Game Commission relating to Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.04, Idaho Fish and Game Commission, Rules Governing Licensing, adopted as a pending rule under Docket Number 13-0104-1102, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### **SCR 122**

#### **BY JUDICIARY AND RULES COMMITTEE**

#### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO STATE POLICE RELATING TO RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Sections 091 and 092, only, adopted as pending rules under Docket Number 11-1101-1102, be, and the same are hereby rejected and declared null, void and of no force and effect.

[SCR 121](#) and [SCR 122](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

February 22, 2012

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jim Rehder to the Idaho Lottery Commission, term to expire January 1, 2014.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 22, 2012

The JUDICIARY AND RULES Committee reports it has had under consideration the Idaho State Bar appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Joel P. Hazel to the Idaho Judicial Council, term to expire June 30, 2017.

DARRINGTON, Chairman

The Idaho State Bar appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 22, 2012

The JUDICIARY AND RULES Committee reports out [H 455](#), [H 475](#), and [S 1324](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 455](#), [H 475](#), and [S 1324](#) were filed for second reading.

February 22, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [H 446](#), [S 1305](#), [SJM 103](#), and [SJR 106](#) with the recommendation that they do pass.

PEARCE, Chairman

[H 446](#), [S 1305](#), and [SJR 106](#) were filed for second reading.

[SJM 103](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

February 22, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1213](#), [S 1219](#), and [S 1222](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

February 22, 2012

Dear Mr. President:

I transmit herewith [H 376](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 517](#), [H 532](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), and [H 498](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 376](#), [H 419](#), [H 466](#), [H 467](#), [H 468](#), [H 517](#), [H 532](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), and [H 498](#) were filed for first reading.

February 22, 2012

Dear Mr. President:

I transmit herewith Enrolled [HJM 7](#) and [HJM 4](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 7](#) and [HJM 4](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On motion by Senator Davis, seconded by Senator Bock, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Committee Secretary:

Resources & Environment ..... Linda Kambeitz

## Pages:

Jamie Bush, Boise  
 Nathan Chelson, St. Anthony  
 Marc Christensen, St. Anthony  
 Janae Godfrey, Soda Springs  
 Daniel Kelley, Twin Falls  
 Karl Lundgren, Buhl  
 Elisabeth Manor, Meridian  
 Joshua Smith, Dietrich  
 Kyle Son, Pocatello  
 Ben Stringham, Boise  
 Sarah Webster, Rupert  
 Alexa Woodland, Burley

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

Senator Cameron was recorded present at this order of business.

The President announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Sara B. Thomas was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Sara B. Thomas as the State Appellate Public Defender was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
 House Petitions, Resolutions, and Memorials**

Senator Pearce was recorded present at this order of business.

**S 1342  
 BY STATE AFFAIRS COMMITTEE  
 AN ACT**

RELATING TO PUBLIC WORKS; AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2809, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE "OPEN ACCESS TO WORK ACT," TO DEFINE TERMS, TO PROVIDE THAT THE STATE AND POLITICAL SUBDIVISIONS THAT CONTRACT FOR CERTAIN PUBLIC WORKS SHALL NOT REQUIRE CONTRACTORS, SUBCONTRACTORS, MATERIAL SUPPLIERS AND CARRIERS ENGAGED IN SPECIFIED ACTIVITIES ASSOCIATED WITH PUBLIC WORKS TO PAY THEIR EMPLOYEES A PREDETERMINED AMOUNT OF WAGES OR WAGE RATE OR A TYPE, AMOUNT OR RATE OF EMPLOYEE BENEFITS, TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT CERTAIN PROVISIONS IN BID DOCUMENTS, SPECIFICATIONS, PROJECT AGREEMENTS AND OTHER CONTROLLING DOCUMENTS FOR PUBLIC WORKS CONSTRUCTION

CONTRACTS AND TO PROHIBIT CERTAIN CONDUCT, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT THE VOLUNTARY ENTRY INTO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING BY INTERESTED PARTIES, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT OR INTERFERE WITH RIGHTS OF EMPLOYERS OR OTHER PARTIES TO ENTER INTO AGREEMENTS OR ENGAGE IN ACTIVITIES PROTECTED BY THE NATIONAL LABOR RELATIONS ACT AND TO PROVIDE FOR SEVERABILITY.

**S 1343  
 BY STATE AFFAIRS COMMITTEE  
 AN ACT**

RELATING TO THE DIRECTOR OF THE IDAHO STATE POLICE; AMENDING SECTION 67-2901, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR OF THE IDAHO STATE POLICE REGARDING THE LIEUTENANT GOVERNOR AND THE LIEUTENANT GOVERNOR'S IMMEDIATE FAMILY UPON CERTAIN CIRCUMSTANCES OCCURRING; AND DECLARING AN EMERGENCY.

**S 1344  
 BY STATE AFFAIRS COMMITTEE  
 AN ACT**

RELATING TO BEER AND BREWERS; AMENDING SECTION 23-1033, IDAHO CODE, TO PROVIDE THAT CERTAIN BREWERS MAY BE PERMITTED TO HAVE A FINANCIAL INTEREST IN ONE ADDITIONAL BREWERY.

**S 1345  
 BY FINANCE COMMITTEE  
 AN ACT**

RELATING TO LIVESTOCK PROCEEDS; AMENDING SECTION 25-1174, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS THAT ESCHEAT TO THE STATE SHALL BE DEPOSITED INTO THE STATE BOARD OF EDUCATION'S MISCELLANEOUS REVENUE FUND FOR APPROPRIATION TO CERTAIN PUBLIC EDUCATION AND/OR HIGHER EDUCATION PROGRAMS AS RECOMMENDED BY THE IDAHO CATTLE FOUNDATION, INC., AND TO PROVIDE A DATE BY WHICH SUCH RECOMMENDATION SHALL BE GIVEN.

[S 1342](#), [S 1343](#), [S 1344](#), and [S 1345](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 376](#), by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 419](#), [H 466](#), [H 467](#), and [H 468](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 517](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 532](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 397](#), [H 399](#), [H 400](#), and [H 401](#), by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

[H 398](#), by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 498](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 407](#), [H 408](#), [H 409](#), and [H 469](#), by Business Committee, were read the second time at length and filed for third reading.

[H 473](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 417](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 393](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[S 1303](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 31.

NAYS—Pearce. Total - 1.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1303](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1312](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1312](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1316](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1316](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1327](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippetts, Toryanski, Vick, Winder. Total - 26.

NAYS—Bilyeu, Bock, Hammond, LeFavour, Schmidt, Stennett. Total - 6.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1327](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1328](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 30.

NAYS—Bock, LeFavour. Total - 2.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1328](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1329](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1329](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1255](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate.

On request by Senator Corder, granted by unanimous consent, [S 1255](#), as amended, retained its place on the Third Reading Calendar for Monday, February 27, 2012.

[S 1277](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1277](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 358](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 358](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 382](#), having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 382](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

February 23, 2012

The JUDICIARY AND RULES Committee reports that [S 1345](#) has been correctly printed.

DARRINGTON, Chairman

Senator Davis requested unanimous consent that [S 1345](#) be laid on the table.

The question being, "Shall the motion prevail to lay [S 1345](#) upon the table?" The President announced that, by voice vote, the motion did prevail.



On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

On motion by Senator Davis, seconded by Senator Bock, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

### **RECESS AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Malepeai and Werk, absent and formally excused by the Chair; and President Pro Tempore Hill and Senators Cameron, Davis, Goedde, and Lodge, absent and excused. [District 10 seat is temporarily vacant.]

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

President Pro Tempore Hill and Senators Lodge, Cameron, Davis, and Goedde were recorded present at this order of business.

**H 383** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 383** passed, title was approved, and the bill ordered returned to the House.

**H 385** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 385** passed, title was approved, and the bill ordered returned to the House.

**H 412** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 412** passed, title was approved, and the bill ordered returned to the House.

**H 367** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 367** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, **H 394** retained its place on the Third Reading Calendar for Monday, February 27, 2012.

**H 402** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 402](#) passed, title was approved, and the bill ordered returned to the House.

[H 418](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McKenzie disclosed a possible conflict of interest under applicable law.

Senator McKenzie moved that [H 418](#) be laid on the table. Motion died for lack of a second.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Keough, McKague, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Toryanski, Vick, Winder. Total - 20.

NAYS—Bilyeu, Bock, Broadsword, Davis, Hill, Johnson, LeFavour, Lodge, McKenzie, Pearce, Stennett, Tippetts. Total - 12.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 418](#) passed, title was approved, and the bill ordered returned to the House.

[H 391](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Fulcher, Hammond, Hill, Johnson, McKague, McKenzie, Nuxoll, Pearce, Siddoway, Smyser, Tippetts, Toryanski, Vick, Winder. Total - 16.

NAYS—Andreason, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Heider, Keough, LeFavour, Lodge, Mortimer, Schmidt, Stennett. Total - 16.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

A tie vote having resulted in the roll call, the President voted AYE, and declared [H 391](#) passed, title was approved, and the bill ordered returned to the House.

[H 374](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippetts arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Winder. Total - 32.

NAYS—None.

Absent and excused—Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [H 374](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 5:30 p.m. until the hour of 10 a.m., Friday, February 24, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary